

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Wolfspeed Inc.,

Plaintiff,

v.

STMicroelectronics, N.V., STMicroelectronics, Inc.,

Defendants/Non-Parties.

Case No.: 3:24-mc-18

**PLAINTIFF WOLFSPEED INC.'S EXPEDITED MOTION TO COMPEL
DEFENDANTS TO COMPLY WITH PROPERLY SERVED SUBPOENA**

COMES NOW Plaintiff Wolfspeed, Inc. (“Wolfspeed”) and files this Expedited Motion to Compel Defendants to Comply with Properly Served Subpoena and in support of its Motion states as follows:

1. On April 15, 2024, Wolfspeed served a subpoena *duces tecum* (the “Subpoena”) on non-party STMicroelectronics, N.V. and STMicroelectronics, Inc. (collectively, “ST”), in the case styled *The Trustees of Purdue Univ. v. Wolfspeed, Inc.*, No. 1:21-cv-840, in the United States District Court for the Middle District of North Carolina (the “Litigation”). The Subpoena was served on ST’s registered agent in Dallas, Texas (App’x 1); it is not disputed that service of the subpoena was proper. A copy of the Subpoena can be found in the supporting Appendix at pages 2-10.

2. The Litigation involves a claim by The Trustees of Purdue University (“Purdue”) that Wolfspeed has infringed U.S. Patent No. 7,498,633 (the “’633 Patent”). Purdue has also filed a lawsuit against ST alleging infringement of the ’633 Patent, in the case styled *The Trustees of*

Purdue Univ. v. STMicroelectronics Int'l N.V., No. 6:21-cv-72, in the United States District Court for the Western District of Texas.

3. The Subpoena seeks specific documents from Purdue and ST's pending litigation that are not accessible from the public docket, consisting of (1) trial transcripts, (2) trial exhibits and demonstratives, (3) sealed pre-trial, trial, and post-trial briefings, (4) sealed orders regarding those briefings, and (5) expert reports and expert deposition transcripts. As described more fully in the Memorandum filed contemporaneously with this Motion, the requested documents are relevant to the scope, invalidity, and value of the '633 Patent. ST's confidential information in the requested documents will be protected by the Protective Order the court has adopted in the Litigation, which can be found in the supporting Appendix at pages 11-36.

4. Although Wolfspeed first requested these documents from Purdue, Purdue indicated that the requested documents cannot be produced absent ST's approval. The correspondence among Purdue, Wolfspeed, and ST relating to this issue can be found in the supporting Appendix at pages 37-39.

5. On March 28, 2024, ST served objections to the Subpoena, which can be found in the supporting Appendix at pages 40-64, indicating that ST would not produce any documents in response to the Subpoena.

6. Wolfspeed met and conferred with ST but was not able to resolve the parties' disputes regarding the Subpoena. The correspondence between the parties can be found in the supporting Appendix at pages 65-69.

7. Pursuant to Fed. R. Civ. P. 45(d)(2)(B)(i), Wolfspeed hereby moves the Court, the district where compliance with the Subpoena is required, for an order compelling production of all requested documents.

8. The basis for this Motion is set forth in the Memorandum and Appendix filed contemporaneously herewith.

9. Wolfspeed also respectfully requests that this Motion be expedited. Pursuant to the current schedule in the Litigation, all fact discovery must be completed by May 3, 2024. Given this approaching deadline, expedition of the Motion is necessary. Consequently, Wolfspeed respectfully requests that the Court order ST to file any response brief to this Motion on or before April 25, 2024 and that the Wolfspeed file any reply brief in further support of this Motion on or before May 1, 2024.

WHEREFORE, Plaintiff Wolfspeed respectfully requests that the Court expedite this Motion under the schedule set forth in Paragraph 9 above, order ST to comply with the Subpoena by either producing the responsive documents, or giving Purdue permission to produce those documents, and allow Wolfspeed such other and further relief as the Court may deem just and proper.

Respectfully submitted on April 15, 2024

By: /s/ Will Thompson
Will Thompson
State Bar No. 24094981
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
3100 McKinnon St, Suite 1125
Dallas, TX 75201
Telephone: (469) 902-3600
Facsimile: (469) 902-3610
Email: willthompson@quinnemanuel.com

Raymond N. Nimrod (*pro hac vice*
application forthcoming)
Richard W. Erwine (*pro hac vice* application
forthcoming)

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
Email: raynimrod@quinnemanuel.com
Email: richarderwine@quinnemanuel.com

Jared Newton (*pro hac vice* application
forthcoming)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
1300 I Street NW
Washington, D.C. 20005
Telephone: (202) 538-8000
Facsimile: (202) 538-8100
Email: jarednewton@quinnemanuel.com

Peter D. Siddoway (*pro hac vice* application
forthcoming)
SAGE PATENT GROUP
2301 Sugar Bush Road, Suite 200
Raleigh, NC 27612
Telephone: 984-219-3369
Facsimile: 984-538-0416
Email: psiddoway@sagepat.com

Attorney for Defendant Wolfsped, Inc.

Certificate of Conference

I certify that, on April 8, 2024, counsel for Wolfspeed, Peter D. Siddoway, Chunmeng Yang, and Leon Lin, held a telephonic conference with counsel for ST, Michael Bettinger and Andrew Langford. Counsel was unable to resolve the issues addressed in this motion. Consequently, the motion is OPPOSED.

/s/ Peter Siddoway

Peter Siddoway

Certificate of Service

I hereby certify that on April 15, 2024, the foregoing document was duly served in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure, by both U.S.P.S. Priority Mail and electronic mail, to the following recipients:

Michael J. Bettinger
mbettinger@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104

Michael D. Hatcher
Andrew T. Langford
mhatcher@sidley.com
alangford@sidley.com
SIDLEY AUSTIN LLP 2021
McKinney Avenue, Suite 2000
Dallas, TX 75201

Counsel for STMicroelectronics, N.V. and STMicroelectronics, Inc.

/s/ Will Thompson

Will Thompson